

E-FILED 8/29/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KATHLEEN VENTIMIGLIA, et al.,

NO. C 07-5481 RS

Plaintiffs,

**ORDER GRANTING MOTION
FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Plaintiffs Kathleen Ventimiglia, et al., move for leave to file a first amended complaint ("FAC") against defendants United States and Chamblin-Landes Construction, Inc. Both defendants do not oppose the motion. The defendants, however, request that they be relieved from filing an answer to the FAC because the new allegations contained in the FAC do not relate to them. This matter is suitable for disposition without oral argument pursuant to Civil Local Rule 7-1(b).

1 No substantive changes were made to the FAC other than adding newly named defendants to
2 replace previously named fictitious defendants pursuant to Rule 15(a) of the Federal Rules of Civil
3 Procedure. Accordingly, plaintiffs' motion for leave to file a FAC is granted. Plaintiffs' proposed
4 FAC, filed as exhibit B, shall be re-filed within five days of this order. Both defendants, United
5 States and Chamblin-Landis, are relieved of their obligation to re-file an answer to the FAC if they
6 so choose.

7 IT IS SO ORDERED.

8
9 Dated: August 29, 2008


RICHARD SEEBORG
United States Magistrate Judge